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Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Report of the Secretary-General

Summary

During the period under review, the United Nations Standing Advisory Committee on Security Questions in Central Africa held one meeting, exceptionally derogating from the biannual meeting rule. Its twenty-eighth ministerial meeting was held in Libreville from 4 to 8 May 2009.

At that meeting, with a full agenda before them, the 11 States members of the Committee discussed the geopolitical situation of the subregion in general as well as recent developments affecting some countries. Member States also took a number of decisions that were important for confidence-building and furthering dialogue among States, key elements for increasing security in the subregion. They also demonstrated their commitment to implementing and following up previous decisions.

In the area of security sector reform, for example, member States concluded and adopted their draft Code of Conduct for the Defence and Security Forces in Central Africa, demonstrating the commitment of the 11 countries in the subregion to a set of principles guaranteeing the good governance of those forces.

Moreover, in drafting a legal instrument on the control of small arms and light weapons in Central Africa, member States continued to pool their ideas on, inter alia, elements for inclusion in the future instrument and lessons to be drawn from the implementation of similar instruments. The secretariat is to submit a preliminary draft instrument to the Committee at its twenty-ninth meeting.

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Anxious for the Committee to remain as relevant as ever in the geopolitical context of Central Africa, the 11 member States also considered the origins and mandate of the Committee and then discussed its future prospects. In that connection, the Secretary-General is pleased to note that States are in favour of maintaining the Committee secretariat as it is, and that they are encouraging even closer cooperation with the United Nations, including the Security Council, and with observers, in particular, the Economic Community of Central African States (ECCAS). As he continues to be concerned at the lack of voluntary contributions to the Committee's Trust Fund, the Secretary-General welcomes the Gabonese initiative, known as the "Libreville Declaration", which stresses the need for all States members of the Committee to make every effort to pay their contributions on a regular basis.

Thanks to the member States' active participation in its work, the twenty-eighth ministerial meeting held in Libreville marked an important phase in the revitalization process launched by the Committee at its twenty-fourth ministerial meeting, held in Kigali in September 2006. The Secretary-General welcomes this development and encourages all States that are able to do so to follow the example of the Central African States in making a financial contribution to the work of this vital mechanism for strengthening dialogue among States and building confidence in Central Africa.

I. Introduction

1. In its resolution 63/78 entitled "Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa", the General Assembly reaffirmed its support for efforts aimed at promoting confidence-building measures at the regional and subregional levels in order to ease tensions and conflicts in Central Africa and to further peace, stability and sustainable development in the subregion.

2. In that same resolution, the General Assembly requested the Secretary-General to continue to support the ongoing efforts of the States members of the Standing Advisory Committee, including through provision of the assistance needed to ensure the success of their regular biannual meetings. It further called upon the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the implementation of the present resolution.

3. The present report is submitted in response to that request. It covers the activities undertaken by the Committee from July 2008 to June 2009.

II. Twenty-eighth ministerial meeting of the Committee

4. During the period under review, the United Nations Standing Advisory Committee on Security Questions in Central Africa met once, exceptionally derogating from the biannual meeting rule. Its twenty-eighth ministerial meeting was held in Libreville from 4 to 8 May 2009.

5. The following member States participated in this meeting: Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe.

6. Participants considered, inter alia, the following items on the meeting agenda:

(a) review of the geopolitical and security situation in Central Africa;

(b) implementation of the Sao Tome Initiative;

(c) origins, mandate, achievements and future prospects of the Committee;

(d) combating cross-border crime in Central Africa;

(e) consideration of the financial situation of the Committee.

7. The Office for Disarmament Affairs served as the Committee secretariat.

8. The following United Nations agencies and programmes participated in the work of the Committee as invited observers: United Nations Subregional Centre for Human Rights and Democracy in Central Africa, United Nations Development Programme (UNDP), United Nations Peacebuilding Support Office in the Central African Republic and the United Nations Organization Mission in the Democratic Republic of the Congo.

9. The following entities also participated as invited observers: the African Union, the secretariat of the Economic Community of Central African States (ECCAS), the International Organization of la Francophonie (OIF), the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States and the Permanent Secretariat of the International Conference on the Great Lakes Region.

10. As is customary, the Committee reviewed the geopolitical and security situation in Central Africa and in the 11 States members of the Committee on the basis of a working paper prepared by the ECCAS secretariat. The working paper addresses three major issues, namely: (a) political and institutional developments in the subregion since the twenty-seventh ministerial meeting of the Standing Advisory Committee, held from 13 to 15 May 2008 in Luanda; (b) issues relating to internal and cross-border security in Central Africa; and (c) challenges posed by governance, the humanitarian situation and human rights in the subregion.

11. The Committee welcomed the general climate of peace and stability that prevailed at the political and institutional levels in Central Africa and at numerous electoral events, which, overall, had gone well.

12. With regard to internal and cross-border security, the Committee expressed its satisfaction with the current lull in certain conflicts in the subregion. Nonetheless, it noted that Central Africa has been facing serious threats to peace and security since the Committee's most recent meeting in May 2008.

13. The Committee recognized the efforts undertaken by member States with regard to governance, the humanitarian situation and human rights, and stressed the clear linkage between those three elements and the issue of global security in general, and security in Africa in particular.

14. The Committee adopted the Code of Conduct for the Defence and Security Forces in Central Africa, one of the two components of the Sao Tome Initiative.[1] The Committee decided to submit the Code of Conduct for approval by the competent ECCAS bodies, in particular the Defence and Security Commission of the Council for Peace and Security in Central Africa. The Committee urged all member States to implement the Code of Conduct and requested the Regional Centre to help States in their efforts to raise awareness of the Code and disseminate it.

15. With regard to the second component of the Sao Tome Initiative, namely, a legal instrument on the control of small arms and light weapons in Central Africa, the Committee considered the preparatory document elaborated by its secretariat, containing elements drawn from relevant international and subregional instruments. The secretariat was then requested to consult a group of independent experts and submit a preliminary draft legal instrument and a draft paper on implementation to the Committee at its twenty-ninth ministerial meeting.

16. The Committee considered issues relating to cross-border crime in Central Africa, in particular the phenomenon of maritime piracy in the Gulf of Guinea and growing insecurity at the land borders of member States. In that context and recognizing the importance of the matter, the Committee decided to include a special item on maritime piracy in the agenda for its twenty-ninth ministerial meeting so that States might exchange their experiences and begin thinking about solutions to the phenomenon. In that context, the Committee welcomed the signing of a technical agreement in Yaoundé on 6 May 2009 by ECCAS, Cameroon, Gabon, Equatorial Guinea, Sao Tome and Principe and the Commission of the Gulf of Guinea on ensuring security in the Gulf of Guinea and launching the first joint patrols.

[1] The Sao Tome Initiative was adopted at the twenty-fifth ministerial meeting, held in Sao Tome from 14 to 18 May 2007.

17. The Committee also welcomed the establishment of the Tripartite Initiative, aimed at eliminating insecurity at common land borders of Cameroon, the Central African Republic and Chad as well as Gabon, the Congo and Equatorial Guinea, which had joined the Initiative on 20 June 2008. The Committee encouraged the States concerned to take the three types of measures set out under the Tripartite Initiative in a coordinated and coherent response to the security problem along their common borders, namely: (a) deploying defence and security force units along high-risk routes and in high-risk areas (measures to be taken at the national level); (b) stepping up exchanges of information and reactivating joint commissions (measures to be taken at the bilateral level); and (c) periodically evaluating the security situation at the borders between those countries (measures to be taken at the multilateral level).

18. As for the implementation of disarmament and arms limitation programmes in Central Africa, the Committee considered, inter alia, the reports of member States on the implementation of the Brazzaville Programme of priority activities (proliferation of small arms and light weapons, and disarmament of the civilian population) adopted in 2003. Overall, the Committee expressed its satisfaction with the institutional (creation of focal points), practical (awareness-raising, collection and destruction of weapons) and regulatory (adoption of laws and regulations) measures taken by member States to combat the proliferation of small arms and light weapons in Central Africa. The Committee also encouraged member States to step up their efforts with regard to stockpile management and security, marking and tracing weapons, exchanging information and promoting transparency in the flow of weapons.

19. The Committee noted with interest the briefing by the Office for Disarmament Affairs on the work and main conclusions of the First Committee of the General Assembly and the Biennial Meeting of States, held in July 2008, on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Committee welcomed the organization of subregional meetings to review progress achieved in implementing the Programme of Action. The first such meeting, organized for Eastern and Southern Africa by the Office for Disarmament Affairs, took place on 8 and 9 July in Kigali. In that same context, the Committee decided to organize a subregional preparatory meeting in 2010 with a view to preparing member States to participate in the next biennial meeting on implementation of the Programme of Action. It also expressed its support for the recommendation of the General Assembly that the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC), in cooperation with the African Union, should continue to assist interested African States in curbing the illicit trade in small arms and light weapons and collecting them.

20. The Committee expressed its satisfaction with the work of the Open-ended Working Group towards an Arms Trade Treaty based on the report of the Group of Governmental Experts. The Office for Disarmament Affairs also encouraged States members of the Committee to participate in the second session of the Working Group, to be held from 13 to 17 July 2009 in New York.

21. The Committee also followed with interest briefings by the United Nations Office for Disarmament Affairs on other disarmament and arms control-related issues that had emerged globally since the twenty-seventh ministerial meeting.

22. During the proceedings, the Committee also considered issues relating to reform and democratic governance of the security sector in Central Africa and progress achieved in the promotion and protection of human rights and in the institutional evolution of subregional peace and security structures and mechanisms. In that connection, the Committee welcomed the establishment of centres of excellence, the regional logistics centre and the different groups under the Council for Peace and Security in Central Africa and ECCAS. The Committee expressed its satisfaction with the outcome of the subregional seminar on security sector reform held by ECCAS in January 2009 and noted with interest the report on the activities of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé.

III. Revitalization of the work of the Committee

23. The twenty-eighth ministerial meeting gave member States an opportunity to consider the Committee's origins, mandate, achievements and future prospects. Their discussion was based on two documents, one on the origins, mandate and achievements of the Committee drafted by the Committee secretariat and the other on the future prospects of the Committee drafted by the Republic of Cameroon.

24. It should be noted that the member States continue to believe that the Committee provides added value to consideration of issues relating to peace and security in Central Africa. In a lively exchange of views, member States reaffirmed the need for the Committee to strengthen relations with the Security Council, and in particular with the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, expressed approval for keeping in place the current Committee secretariat and encouraged closer cooperation between the United Nations and ECCAS in areas of common interest. The Committee reiterated its gratitude to the Secretary-General for his support for the revitalization of its work, which would contribute to peace and security in Central Africa.

IV. Administrative and financial matters

25. At the twenty-eighth ministerial meeting, it had been noted that member States had made no contributions to the Committee's Trust Fund since 2003.

26. Concerned by that lack of funds, the Committee adopted the Declaration on the Trust Fund of the United Nations Standing Advisory Committee on Security Questions in Central Africa, known as "the Libreville Declaration". Member States reaffirmed the Committee's relevance as an integral part of the United Nations architecture for the promotion of peace and security in Central Africa. They stressed the need to commit themselves to making voluntary contributions to the Trust Fund in order to support the Committee's activities and to undertake activities to mobilize funds from various partners at both the national and the international level.

27. The Committee also decided to bring the budgetary issue before the relevant United Nations budgetary bodies in order to secure support for its work, to review the progress made at its twenty-ninth ministerial meeting, and to consider its financial situation at all its meetings.

28. At the end of the 2008-2009 period, only US$ 2,500 will be left in the Trust Fund of the United Nations Standing Advisory Committee on Security Questions in Central Africa. The Secretary-General reiterates his appeal to member States and intergovernmental, governmental and non-governmental organizations to contribute to the Trust Fund in order to enable the Committee to fully implement its programme of work.

V. Conclusion

29. At the twenty-eighth ministerial meeting, the 11 States members of the Committee took a number of decisions that are important for building confidence and furthering dialogue among States, which are crucial components for greater security in the subregion. They also demonstrated their commitment to implementing and following up a number of previous decisions.

30. By drafting and adopting a code of conduct for the defence and security forces in Central Africa, States members of the Committee demonstrated their commitment to a set of principles essential for the good governance of such forces.

31. In drafting a legal instrument on control of small arms and light weapons in Central Africa, member States continued to pool their ideas, discussing potential components of the future instrument and lessons learned from implementation of other similar instruments. At the close of the meeting, member States asked the Committee secretariat to submit a first draft of the instrument at the next meeting of the Committee.

32. Anxious to ensure that the Committee retains its relevance within the complex geopolitical context of Central Africa, the 11 member States also considered the role and origins of the Committee and discussed its future prospects. In that connection, the Secretary-General welcomes the close cooperation and relationship of trust that has developed among the member States, the United Nations and certain observers, in particular ECCAS, whose contribution to the work of the Committee secretariat is of particular importance.

33. As he continues to be concerned over the lack of voluntary contributions to the Trust Fund of the Committee, the Secretary-General welcomes the Gabonese initiative known as "the Libreville Declaration", which stresses the need for all member States of the Committee to commit themselves to making regular contributions.

34. Thanks to the active participation of member States in the proceedings, the twenty-eighth ministerial meeting held at Libreville marked an important step in the revitalization process launched by the Committee at its twenty-fourth ministerial meeting in Kigali in September 2006. The Secretary-General welcomes this development and urges all States in a position to do so to follow the example of the Central African States by making a financial contribution to the work of this important mechanism for strengthening dialogue between States and building confidence in Central Africa.

Annex

Code of Conduct for the Defence and Security Forces in Central Africa

Preamble

The defence and security forces are important institutions in the life and development of a nation. In that respect, their tasks and responsibilities are difficult and require some minimum reference points to facilitate their implementation. Their legal framework therefore comprises the major democratic principles defined, inter alia, in the Universal Declaration of Human Rights, democratic State constitutions, and international humanitarian law, all of which advocate respect for life, and in the various instruments relating to the rules of general discipline in the defence and security forces. Since they operate in an environment that is constantly changing, the defence and security forces of Central Africa are also learning to assimilate new concepts, such as the new definition of security within the context of security sector reform, and human security. Such activities are part of efforts to strengthen subregional peace, security and stability. In view of all the above, and taking into account the relevant recommendations of the twenty-sixth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, under the Sao Tome Initiative, the member States have decided to establish a non-binding code of conduct for the defence and security forces in Central Africa, the provisions of which are set out below.

Chapter I

Definitions and general principles

Definitions

In this Code of Conduct, "defence and security forces" shall mean all uniformed personnel who perform a defence or security role on behalf of the State. The term shall include the army, air force, navy, gendarmerie, police, Republican Guard, water and forestry officials, customs officers, firefighters and any other service officially designated by the national authorities as having such a role.

General principles

Article 1

The defence and security forces shall be republican and non-political.

Article 2

The defence and security institutions shall be at the disposal of the constitutionally established civilian political authority.

Article 3

Defence and security forces personnel shall remain disciplined and loyal to their State at all times. They owe obedience to the democratically elected

constitutional authority in respect of any command it issues in accordance with the laws and regulations of their State.

Article 4

Political groups, parties and associations shall refrain from interfering in operations carried out by the defence and security forces or extending their partisan and ideological struggle to them.

Article 5

The defence and security forces shall be at the service of the nation and its citizens. Their mission shall be to defend the nation and safeguard — if necessary by force of arms — the territorial integrity of their State; to protect persons and property; and to maintain peace and security in their country.

Article 6

The defence and security forces are crucial for forging national unity and cohesion. Accordingly, recruitment and management of defence and security forces personnel shall be undertaken without the slightest discrimination as to race, gender, ethnicity, region or religion.

Article 7

The defence and security forces shall work to promote democratic principles and practices within the nation and to defend its established democratic institutions.

Article 8

Democratic control of the defence and security forces by State institutions (executive, legislative and judicial) shall be exercised in a transparent and responsible manner, particularly in relation to defence and security planning, budget and procurement processes.

Chapter 2

Rights and duties of the defence and security forces

Article 9

In performing their duties, defence and security forces personnel shall enjoy their civil rights and fundamental freedoms as defined by the constitution of their State, subject to such limitations as are prescribed by law. When such personnel are serving in a United Nations or African Union field mission, the same provisions shall apply and shall be set down in the status-of-forces and status-of-mission agreements relating to their deployment.

Article 10

Defence and security forces personnel shall be entitled to the State's protection with regard to acts or actions performed in the course of missions undertaken on the

legitimate orders of their superiors. They shall therefore receive legal assistance in the courts, where appropriate.

Article 11

In performing their duties, defence and security forces personnel shall respect national law, international humanitarian law and human rights.

Article 12

Defence and security forces personnel shall have a professional duty to demonstrate discipline, loyalty, willingness and a spirit of sacrifice in all circumstances.

Article 13

Defence and security forces personnel shall not divulge confidential or classified information unless authorized to do so by the competent authority.

Article 14

Defence and security forces personnel shall be prohibited from expressing political opinions publicly, unless authorized to do so by the competent superior officer.

Article 15

Members of the defence and security forces shall not belong to any political party, militia, armed group or organized criminal group.

Chapter 3

Relations between the defence forces and the security forces

Article 16

The defence and security forces shall be used to meet internal and external security requirements. In performing their duties, they shall remain in permanent contact with each other:

- in peacetime;
- at times of internal disturbances; and
- in times of war.

Article 17

In peacetime, responsibility for maintaining law and order lies with the police. The defence forces and security forces shall work together with the police on information-sharing, personnel training, police missions and preparation for mobilization.

Article 18

At times of internal disturbances, responsibility for protecting life and for maintaining law and order and security shall lie, first and foremost, with the police, the national gendarmerie and other security services, where they exist.

The defence forces shall intervene only if requisitioned by the political authority, as a last resort, in exceptional circumstances such as a state of emergency or state of siege, and in accordance with the constitution of the State in question.

Article 19

In times of war, the gendarmerie and police shall automatically take part in the operational defence of the territory alongside the defence forces.

Article 20

The maintenance of law and order shall be the responsibility of the competent civilian authority and shall fall exclusively within the remit of the minister for security.

The military authority shall not intervene in that area unless ordered to do so by the political authority, in accordance with the regulations in force.

Article 21

In accordance with national legislation and the relevant international instruments, and upon the orders of the political authority, the defence forces may be required to work alongside the security forces in combating criminal activities, such as the illicit trade in and proliferation of arms, terrorism, large-scale banditry, organized crime, human trafficking and violence against women and children.

Chapter 4

Defence and security forces and rules for the use of force

Article 22

In accordance with the relevant decisions and declarations of the Organization of African Unity/African Union, in particular those relating to the framework for a response to unconstitutional changes of government and the declaration on the Conference on Security, Stability, Development and Cooperation in Africa, any interference by the defence and security forces in the political arena shall be illegal and strictly prohibited.

Article 23

It shall be the responsibility of the national political authorities to ensure that adequate financial and logistical resources are made available to the defence and security forces to enable them to perform their duties.

Article 24

The political authority shall ensure that all military operations carried out on its orders, including operations to maintain public order and preserve the peace, are executed in accordance with the relevant provisions of this Code of Conduct, national and international law, international humanitarian law and human rights.

Article 25

The security forces shall not use lethal weapons to disperse non-violent demonstrations. In case of violent demonstrations, they shall use only minimum force, respecting the principle of proportionality, particularly when acting in self-defence. They shall, in all cases, treat civilian populations humanely, in accordance with the standards of current international humanitarian law and human rights.

Article 26

In the event of an incident, the security forces shall provide, or facilitate the provision of, medical assistance to all injured persons. The victims' families shall be informed by the force commanders. An enquiry into the incident shall be opened and a report prepared. Should any members of the forces die or be injured during such operations, the same procedure shall apply.

Chapter 5

Defence and security forces, human rights, international humanitarian law and relations with civilian populations

Article 27

The commanders of the defence and security forces shall ensure that relations among their personnel, and between their personnel and the civilian population, are harmonious and based on mutual respect.

Article 28

The defence and security forces shall ensure that their activities are transparent and well understood, by implementing a public information policy regarding their missions and, where appropriate, providing advice to users.

Article 29

In their relations with civilian populations, defence and security forces personnel shall refrain from any action or conduct that could damage the credibility or reputation of their institution.

Article 30

In addition to their operational training, defence and security forces shall receive appropriate training in the areas of constitutional law, human rights, international humanitarian law and any other national and international legal instrument intended to protect people's fundamental rights.

Article 31

Defence forces engaged in foreign peacekeeping missions shall respect international humanitarian law, international human rights standards and all existing international and other instruments connected with peacekeeping missions, including those relating to the role of women in peace and security and those prohibiting sexual violence.

Article 32

The political or administrative civilian authority and defence and security forces personnel shall be held individually responsible for any instruction, order, action or omission that violates human rights, international humanitarian law, national laws and regulations in force or the provisions of this Code of Conduct.

Article 33

In the exercise of command, no order that clearly contravenes human rights, international humanitarian law, national laws in force or the provisions of this Code of Conduct shall be given to, or executed by, the defence and security forces.

Article 34

Defence and security forces personnel shall be bound not to obey orders given by their superiors that clearly contravene human rights and legislation in force.

Article 35

The defence and security forces shall respect human dignity, safeguard the physical integrity of persons, ensure the security of their property and refrain from endangering the life or physical integrity of persons under any circumstances, except in self-defence or the defence of others.

Article 36

All persons shall be entitled to refer any violation of their legal and constitutional rights by the defence and security forces to the competent courts. The said courts shall be prepared to investigate any such complaints filed by citizens.

Article 37

Civilian populations shall be entitled to respect, protection and assistance from the defence and security forces. In performing their duties, defence and security forces personnel shall provide adequate protection, assistance and refuge to all persons in need.

They shall ensure that internally displaced persons, refugees, non-nationals, stateless persons, minorities, women, children, the elderly and persons with disabilities are not subject to discrimination based on race, gender, age, identity, religion or political opinions.

Article 38

Defence and security forces personnel shall refrain in all circumstances from such acts as murder, torture, physical abuse, rape, sexual exploitation, mutilation,

cruel, inhuman or degrading treatment, looting, racketeering, corruption, hostage-taking, collective punishment, intimidation, threats or any other conduct intended to undermine the physical and psychological well-being of the individual.

Article 39

Defence and security forces personnel shall ensure full compliance with Community provisions, particularly those relating to free movement of persons and property and freedom of residence and establishment. They shall also consolidate and harmonize border control measures, ensure the physical integrity of individuals, and protect and safeguard their property.

Article 40

In performing their tasks, defence and security forces personnel shall cooperate with one another in terms of their respective and complementary responsibilities. They shall maintain ongoing and harmonious relations, both in times of peace and in times of crisis, social unrest or armed conflict.

Article 41

Open days, joint initiatives in the public interest, debates between civilians and the military, and awareness-raising and information campaigns shall be organized frequently with a view to fostering relations between the defence and security forces and the civilian populations.

Chapter 6

Final provisions

Article 42

This Code of Conduct shall be taught, disseminated and implemented within the various units of the defence and security forces of the Central African countries.